G. R. S. 59] 6438 GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1899-00.
~~191~~ .
(Police.)

File No. 68 (15)

Serial Nos. 1—4.

Papers Filed.

Month February 190

SUBJECT.

An irregular Proceeding of arrest made by a Constable of the Madras Police, in the Mysore Territory —

P. Spurrier

PREVIOUS REFERENCES.	LATER REFERENCES.
	to 257-25-(1-4)

the committed in the presence.

Please see para 27 of Secy's letter of the 31/8. Rest. & Police order No. 115 printed in S.L. No. 8.

X

Kindly confirm whether the presence of Lieut. does not affect the case in some way. Kanwar Capt. a letter to the Political Resident. Shall effect the presence of the Political Agent.

31-8-29

Draft sub. for approval

A/C

J 187 / 189

OFFICE OF THE 1560 17-8-99 DEWAN OF MYSORE

The Inspector General of Police in Mysore.

The Secretary to the Govt. of Mysore, General and Revenue Depts.

13

The Extradition Act & Police
SECTION
C 68 499-00
FILE NO. 799
SER'AL NO. Police

Dated
Despatched 15 August 1899
Received
General No. 694
No. 65
Enclosure No. one petition,

did not arrest the accused & detain him at the Station House & acquiesce ? C.

The Extradition Act is sub.

The Station House Officer of Kodikonda (British) states in his report of the 18-7-99 that he made the arrest with the help of the Station house officer Pattapalya (Mysore). The papers show that the latter accompanied the Police Constable who effected the arrest & searched the house of the Magistrate taking Magistrate's clerk as the Inspector found fault with him for having offered these irregularities. Sub. to Sec. 4.

Requesting that an arrest without warrant made by the Madras Police in the Kolar District may be brought to the notice of the Madras Government.

Jas Nugent 17/8-99

17 No 2 of 1897-98 Judy Dept 18/8/99

Sub. to Sec. 4. 18/8/99

Sub. to Sec. 4. 18/8/99

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSORE.

SECTION———

No. 694

FILE NO.———— 65

SERIAL NO.———— Enc. one table,

Dated Bangalore, 5th August 1899

FROM

THE INSPECTOR GENERAL OF POLICE IN MYSORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to submit for the orders of Government copy of letter no: 493/15-2 dated the 2nd instant from the Deputy Commissioner of Kolar giving Cover to Chickballapur Sub-Division Officer's no. 38 dated the 25th July 1899, bringing to notice, the arrest on 17th ~~February~~ July 1899 without a warrant, by a Head Constable of the Kodikonda Police Station of the Hindupur

Taluk, of a Mysore subject named Banayyar-
Dastagiri, in the village of Angutamudike of the
Bagepalli Taluk for an offence under Section
406 of the Indian Penal Code.

2 It will be observed from the
Chickballapur Sub-Division Officer's letter ~
referred to above and its enclosures that the
Head Constable of the Hindupur Police besides
making the illegal arrest of the accused person,
appears also to have made a search of his
house through one of his Constables (the
Duffedar and a Constable of the Station being
present) and on finding a gold bangle
alleged to belong to the case, produced the
same with the accused before the Amildar-

Magistrate

-Magistrate of Bagepalli Taluk for remand &c.
The latter officer noticing that the arrest
without a warrant by the Madras Police
was irregular and in contravention of the
orders of Madras Government communicated × 1542 dated 30th September 1898
in Mysore Government Proceedings No: 6226-35/J.668
dated 18th November 1898, seems to have
rightly enlarged the accused on bail and
directed the Head Constable of the Madras
Police to obtain a warrant for the re-
-arrest of the accused from a competent
British Magistrate

3 As the Head Constable
appears to have pleaded ignorance of
the standing orders of the Madras Govern-
-ment, prohibiting arrests by the British
Police

Police without a warrant in Mysore Territory,

I would request the favor of the matter in

question being brought to the notice of the

Madras Government through the Resident

in Mysore.

I have the honor to be,

Sir,

Your most obedient servant,

K. Mundy

for Inspector General of Police.

SECTION Pol

FILE No. 580 1

SER'AL No. Secret 2

for appl.

DR 1/11.

To the 1st Asst. & the Resd. in Mysore.

1st Sept - 99.

8/1/5

14

325-6 Encl 2.

1225 1/11

Sir,

I am directed to forward a copy of letter No 664 of 15th August 99 from the Supt-Genl of Police in Mysore, with its enclosure in orig (the obliging returned) bringing to notice that the Station Officer of Kodikonda (Madras) made an arrest and search of a house followed by seizure of

Secret

1-9-99

2/9/99

present on the 17th July 6
'99 in the village of
Agastmudike (Mysore)
without the authority
of a warrant from
a competent Magis-
trate for an offence under
sec. 406 I. P. C. alleged
to have been committed
within his Station limits. – In this connection
the action of the Kodi- I have to invite a reference
-Kanda Police appears under to the correspondence
the circumstances, to have been ending with your letter
regular. No. 5679 dated the
320-98
22 Oct 1898.

~~Though the~~
~~person however that the~~
~~Station Officer in question~~
~~secured the presence of~~
~~the accused~~ it must be admitted that the
~~application of the local~~
~~Police Officer in the~~
~~station~~ (Vadedar of Pattaliya)
was present & seems
aided in the search
& seizure – In this
connection I beg to
invite a reference to the
~~Council Proceedings~~
Consultations
~~aided to prosecute~~
~~is interested in the~~
~~matter was wholly~~

~~Endorsement~~

The necessary instructions with ~~regard~~ regarding the ~~letters~~ cancelled ~~and~~ para 2-9 am to request that the irregular proceeding of the Kodikode station officer may be kindly brought to the notice of the Madras Govt. for such action as may be thought necessary.

I have the honour to be,

Sir,

Your most obedient servant,

1-9-99.

Copy of the G.O. of Police with reference to the letter of the 15th Aug. 99. No. 694/65 with a request that necessary instructions may be issued

Let us wait till the result of the reference to Kodikode

ending with your letter No. 5679 dated the 22nd Oct 98 to which I can draw the procedure to be observed in such cases.

in view to prevent a
repetition of the unsatisfactory
conduct of the Defendant
of Pattpalya in the case.

Seen.

Pol. 1169

J. 780.

Mark 24/1/1900 9

THE RESIDENT'S OFFICE.

No. 404
369/99

Bangalore, the 24th January 1900

SECTION Pol
FILE No. 68 & 99-00
SER'AL No. 3

Copy of the following letter forwarded to the Dewan of Mysore for information, with reference to his letter No.3256/J.285 dated the 5th September 1899, the original enclosures of which are herewith returned

First Assistant Resident.

Letter No. R.63 , dated the 18th January 1900, from the Chief Secretary to the Government of Madras, Judicial Department, to the Resident in Mysore.

I am directed to acknowledge the receipt of your letter of the 8th Instant No.76, enquiring if any steps have been taken regarding the irregular proceedings on the part of the Station-House Officer of Kodikonda in arresting without a warrant from a competent Magistrate a Mysore subject accused of an

offence

offence under the Indian Penal Code.

2. In reply, I am to state that the Police Officer concerned has been removed from the charge of Kodikonda Station for incompetency, and that, to guard against any repetitions of such irregularities in future, a vernacular copy of Police Order No.115 indicating the procedure to be observed in regard to arrests in foreign territory has been placarded in each of the Stations bordering on the Mysore frontier.

No: 9135/10 & 9-2-1900.
9834
Police

FILE No. 69 of 99-00

(2) Encl letter to Ist Asst Resident No. Ad 2 2566 of 1900 & 9285/5

and 3) the Residency memo with the Madras Govt letter.

Encl file

area; & submit th.

Have enter (1) the Govt letter No 63 letter No 694 of 15th Aug 1899 dated the 18th January 1900 from the Chief Secy. to the Govt of Madras, Jud department, to the Resident in Mysore, stating that the Police officer in charge of the Kodikonda station, who arrested a Mysore subject without a warrant from a Competent Magte, has been removed from the charge of the said station. xx

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Order.

Recorded with the correspondence relating to the conduct of the Kodikonda Police officer in connection with the arrest of a Mysore subject.

Copy forwarded to the I. Gl. of Police in Mysore for information

reference to his letter
No 694/65 dated the 1st August 1899.

2. The enclosures received with the above are herewith returned.

B. O.

29/1/1900

Secy.

ma
29/1

To
The Supdt of Police with
the enclosures as the
letter read above.

Should
Supdt of Police would
upon such
visit as will
prevent a repetition
of the same.

C.

Print in extenso

13058

30/1

Noted in ms.
Correspondent 10-2-99

Noted to Supdt of Police.

30-1-1900

30/1

30/1/99

1899-1900

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 9th February 1900

No. 91381
J. 834

Recording the correspondence relating to an arrest, without a warrant, of a Mysore subject by the Station House Officer of Kodilonda (British Territory) with the observation that the conduct of the dafadar of Patapalya (Mysore), who was present at the time of the arrest, was unsatisfactory, and requesting the Inspector General of Police to issue instructions so as to prevent a repetition of such irregularity.

S.B.P.—15-2-1900—200

(4) *Letter No. R. 63, dated the 18th January 1900, from the Chief Secretary to the Government of Madras, Judicial Department, to the Resident in Mysore.*

I am directed to acknowledge the receipt of your letter of the 8th instant, No. 76 enquiring if any steps have been taken regarding the irregular proceedings on the part o the Station-house Officer of Kodikonda in arresting, without a warrant from a competen Magistrate, a Mysore subject accused of an offence under the Indian Penal Code. -

2. In reply, I am to state that the Police Officer concerned has been removed fron the charge of Kodikonda station for incompetency, and that, to guard against any repeti tions of such irregularities in future, a vernacular copy of Police Order No. 115 indicating the procedure to be observed in regard to arrests in Foreign Territory has been placarded in each of the stations bordering on the Mysore frontier.

No. 9138½—J.834, DATED BANGALORE, 9TH FEBRUARY 1900.

ORDER THEREON—Recorded.

2. The conduct of the dafadar of Patapalya was unsatisfactory and the Inspector General of Police should issue such instructions as will prevent a repeti tion of the same.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector General of Police in Mysore, with its enclosures to the lette read above.

READ—

(1) Letter No. 694—65, dated Bangalore, 15th August 1899, from the Inspector General of Police in Mysore, to the Secretary to the Government of Mysore, General and Revenue Departments.

I have the honor to submit for the orders of Government copy of letter No. 493—152, dated the 2nd instant, from the Deputy Commissioner of Kolar, giving cover to Chikballapur Sub-Division Officer's No. 38, dated the 25th July 1899, bringing to notice the arrest on 17th July 1899, without a warrant, by a Head Constable of the Kodikonda Police Station of the Hindupur taluk, of a Mysore subject named Banajigar Dastagiri, in the village of Augutamudike of the Bagepalli taluk, for an offence under Section 406 of the Indian Penal Code.

2. It will be observed from the Chikballapur Sub-Division Officer's letter referred to above and its enclosures that the Head Constable of the Hindupur Police, besides making the illegal arrest of the accused person, appears also to have made a search of his house through one of his constables (the Dafadar and a constable of the station being present), and on finding a gold bangle alleged to belong to the case, produced the same with the accused before the Amildar-Magistrate of Bagepalli taluk for remand, &c. The latter Officer noticing that the arrest, without a warrant, by the Madras Police was irregular and in contravention of the *orders of the Madras Government communicated in Mysore Government Proceedings No. 6226-35—J. 668, dated 18th November 1898, seems to have rightly enlarged the accused on bail and directed the Head Constable of the Madras Police to obtain a warrant, for the re-arrest of the accused, from a competent British Magistrate.

* 1542, dated 30th September 1898.

3. As the Head Constable appears to have pleaded ignorance of the Standing Orders of the Madras Government, prohibiting arrests by the British Police, without a warrant, in Mysore Territory, I would request the favor of the matter in question being brought to the notice of the Madras Government through the Resident in Mysore.

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(2) Letter No. 3256—J. 285, dated 1st September 1899, from the Secretary to the Government of Mysore, to the First Assistant to the Resident in Mysore.

I am directed to forward a copy of letter No. 694—65, dated 15th August 1899, from the Inspector General of Police in Mysore, with its enclosures in original (to be obligingly returned), bringing to notice that the Station Officer of Kodikonda (Madras) made an arrest and search of a house followed by seizure of property on the 17th July 1899 in the village of Augutamudike (Mysore), without the authority of a warrant from a competent Magistrate, for an offence under Section 406, Indian Penal Code, alleged to have been committed within his station limits. The action of the Kodikonda Police appears, under the circumstances, to have been irregular though it must be admitted that the local Police Officer (Dafadar of Patapalya) was present and seems to have assisted in the arrest, search and seizure. In this connection, I beg to invite a reference to the correspondence ending with your letter No. 5679—320-98, dated the 22nd October 1898, which lays down the procedure to be observed in such cases.

2. I am to request that the irregular proceedings of the Kodikonda Station Officer may be kindly brought to the notice of the Madras Government for such action as may be thought necessary.

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(3) Memorandum No. 404—369-99, dated 24th January 1900, from the First Assistant to the Resident in Mysore to the Dewan of Mysore.

Copy of the following letter forwarded for information, with reference to his letter No. 3256—J. 285, dated the 5th September 1899, the original enclosures of which are herewith returned.